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05 UNITED STATES DISTRICT COURT  
06 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

07 ANTHONY EUGENE LEWIS, ) CASE NO. C08-1201-JCC-MAT  
08 Plaintiff, )  
09 v. ) ORDER RE: PENDING MOTIONS  
10 KING COUNTY, )  
11 Defendant. )  
12 \_\_\_\_\_ )

13 Plaintiff, proceeding *pro se* and *in forma pauperis* in this 42 U.S.C. § 1983 civil rights  
14 case, filed a motion to enforce an order compelling discovery (Dkt. 43), a motion for access to  
15 discovery materials (Dkt. 47), and a motion for the Court to show cause (Dkt. 48). Respondent  
16 objects to these motions. (Dkts. 46, 49, & 53.) Plaintiff also submitted a request that the  
17 Court serve on defendant copies of his pending summary judgment motion and his response to  
18 defendant's pending motion for summary judgment. (Dkt. 65.) Having considered plaintiff's  
19 submissions and any responses, along with the remainder of the record, the Court finds and  
20 concludes as follows:

21 (1) The Court granted a motion to compel as it related to production of plaintiff's  
22 criminal case file and extended the discovery deadline for this discrete purpose. (Dkt. 35.) In

01 a second order, dated May 21, 2009, the Court clarified that the order granting the motion to  
02 compel did not extend to records relating to credibility problems of Seattle Police Officers  
03 Michael Tietjen, James Lee, and Kerry Zieger, and declined to extend the order to require  
04 production of felony warrants issued against Lonnie Lee McClure. (Dkt. 44.) One day prior  
05 to this second order, the Court received plaintiff's motion seeking to enforce the order  
06 compelling discovery. (Dkt. 43.) In his motion, plaintiff contends defendant failed to comply  
07 with the Court's order compelling discovery, pointing to Lonnie Lee McClure's arrest warrants  
08 and the Seattle Police Officer records. As these are the very documents the Court indicated  
09 were *not* subject to the order granting the motion to compel, there is no basis for finding a lack  
10 of compliance with the Court's order. Plaintiff also contends defendant failed to include  
11 certain trial transcripts in the production of his criminal case file. However, defendant asserts  
12 that it produced the one transcript requested from the court reporter at some juncture, that no  
13 other transcripts exist, and that it did produce the Clerk's Minutes from the dates at issue in  
14 plaintiff's contention. (Dkt. 46-2, ¶¶ 2-3.) As noted by defendant, it need only produce  
15 applicable documents in its possession, custody, or control. Fed. R. Civ. P. 34 (a)(1).  
16 Accordingly, plaintiff's motion to compel as it relates to trial transcripts lacks merit. For these  
17 reasons, plaintiff's motion to enforce the order compelling discovery (Dkt. 43) is DENIED.

18 (2) In his second motion, plaintiff seeks access to the same discovery materials  
19 discussed above, as well as a conference with opposing counsel. (Dkt. 47.) In his third  
20 motion, plaintiff seeks for the Court to show cause as to why defendant should not be compelled  
21 to produce these same discovery materials. (Dkt. 48.) These motions, however captioned,  
22 essentially request reconsideration of the Court's May 21, 2009 order. "Motions for

01 reconsideration are disfavored. The court will ordinarily deny such motions in the absence of a  
02 showing of manifest error in the prior ruling or a showing of new facts or legal authority which  
03 could not have been brought to its attention earlier with reasonable diligence.” CR7(h).  
04 Plaintiff fails to demonstrate either manifest error or new facts or legal authority supporting his  
05 request for the materials at issue. Nor does the Court find any basis for the requested  
06 conference with opposing counsel. As noted by defendant, discovery in this matter has been  
07 closed since May 22, 2009. (Dkt. 35.) Plaintiff’s motion for access to discovery materials  
08 (Dkt. 47) and his motion for an order to show cause (Dkt. 48) are DENIED.

09 (3) Plaintiff requests that the Court serve on defendant copies of his motion for  
10 summary judgment and his response to defendant’s summary judgment motion. (Dkt. 65.)  
11 However, it is apparent from a review of the docket that defendant reviewed plaintiff’s motion  
12 and his response. (See Dkts. 62 & 63.) As such, while plaintiff is reminded of his ongoing  
13 duty to serve all filings on opposing counsel, the Court finds no need, in this instance, to direct  
14 service.

15 (4) The Clerk is directed to send copies of this Order to the parties and to the  
16 Honorable John C. Coughenour.

17 DATED this 14th day of August, 2009.

18   
19 Mary Alice Theiler  
20 United States Magistrate Judge  
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